

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT LAFAYETTE

IN THE MATTER OF:

JAMES E. McCABE

Debtor

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CASE NO. 04-41625

DECISION AND ORDER

At Fort Wayne, Indiana, on

The notice of motion and opportunity to object which the trustee (hereinafter “Movant”) served in connection with his application to sell personal property does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notice does not state the date upon which the application was filed. N.D. Ind. L.B.R. B-2002-2(c)(2).
- b. The notice does not “contain a brief summary of the ground for the application or have a copy of the application attached to it.” N.D. Ind. L.B.R. B-2002-2(c)(4).

Since creditors and parties in interest have not been given appropriate notice of the application and the opportunity to object thereto, the court cannot grant it at this time. Movant shall prepare and serve an Amended Notice of Motion and Opportunity to Object which complies with N.D. Ind. L.B.R. B-2002-2 and file proof thereto within fourteen (14) days of this date. See, N.D. Ind. L.B.R. B-9013-4(a). The failure to do so will result in the application being denied without prejudice and without further notice.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court